

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 14, 2017

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2016AP281

Cir. Ct. No. 2015CV228

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

TOWN OF STAR PRAIRIE,

PLAINTIFF-RESPONDENT,

V.

WARREN SLOCUM,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for St. Croix County:
EDWARD F. VLACK, III, Judge. *Affirmed.*

Before Stark, P.J., Hruz and Seidl, JJ.

¶1 PER CURIAM. Following Warren Slocum's egregious and flagrant barrage of pro se serial litigation regarding his property tax assessments, the

circuit court granted a request to restrict Slocum's access to the judicial system. We affirm.¹

¶2 The Town of Star Prairie commenced an action consisting of two causes of action. The first cause of action alleged Slocum's bombardment of frivolous filings each year between 2005 and 2014 constituted harassment, and sought injunctive relief pursuant to WIS. STAT. § 813.125(5)(a).² The second cause of action sought sanctions to cease Slocum's abusive conduct. The circuit court limited Slocum's access to the court system until he paid the accumulated frivolous cost assessments against him, and it required a review of future initial pleadings by a circuit judge for arguably meritorious claims prior to the clerk of the circuit court's authentication of the summons and complaint. Slocum now appeals.

¶3 We have previously emphasized the vast number of lawsuits Slocum has filed over the years centering around the same basic issue—namely, that his property taxes are too high. *See, e.g., Slocum v. Star Prairie Township*, No. 2015AP1287, unpublished slip op., ¶3 & n.1 (WI App Mar. 8, 2016). Moreover, we have upheld circuit court findings that Slocum's filings clearly

¹ As in past appeals, Slocum once again fails to conform to the requirements of the rules of appellate practice, and his briefing largely consists of numerous unwarranted and ad hominem attacks on the circuit court and local law enforcement that are disrespectful and lacking any connection to reason or legitimate facts of record. On the basis of this egregious and bad faith conduct, we could summarily dismiss this appeal pursuant to WIS. STAT. RULE 809.83(2) (2015-16). However, we choose to reach the merits. All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

² Slocum contends the matter was improperly commenced. According to Slocum, cases under WIS. STAT. § 813.125 must be initiated by a petition rather than a summons and complaint. However, the Town moved to voluntarily dismiss the first cause of action seeking relief under § 813.125, opting to proceed only under its second cause of action. Slocum's argument therefore has no support as the second cause of action was properly commenced in any event.

engaged in the improper use of civil process to harass the Town of Star Prairie. In case No. 2015AP1287, we stated:

We are very troubled by the vast amount of public resources expended on Slocum's matters that have occupied the court system for years. Slocum's frivolous and extensive filings are now distressingly common. This court, as well as the circuit court, has a very high caseload, and yet great patience has been shown to Slocum in the face of his barrage of filings. We have been lenient in the face of Slocum's pro se filings that fail to conform to the rules of appellate procedure. However, Slocum's abuse of the judicial system has the cumulative effect of clogging the processes of the courts and placing unwarranted burdens on judges and staff, to the detriment of other litigants having meritorious and deserving claims.

Id., slip op., ¶13.

¶4 Very recently, we affirmed sanctions in a number of appeals involving Slocum, and we also concluded that repeated admonitions had proven ineffective to end Slocum's vexatious and abusive conduct.³ We therefore barred Slocum from future Wisconsin Court of Appeals filings until all sanctions imposed against him by this court awarding costs, fees and reasonable attorney fees were paid in full. *See, e.g., Slocum v. Star Prairie Township*, No. 2015AP1006, unpublished slip op. (WI App Feb. 28, 2017).

¶5 The circuit court in the present case correctly noted access to the courts is neither absolute nor unconditional. *See Village of Tigerton v.*

³ *Slocum v. Star Prairie Township*, No. 2016AP280, unpublished slip op. (WI App Feb. 28, 2017); *Slocum v. Star Prairie Township*, No. 2016AP41, unpublished slip op. (WI App Feb. 28, 2017); *Slocum v. Star Prairie Township*, No. 2015AP1006, unpublished slip op. (WI App Feb. 28, 2017); *Slocum v. Star Prairie Township*, No. 2014AP1093, unpublished slip op. (WI App Feb. 28, 2017).

Minniecheske, 211 Wis. 2d 777, 785, 565 N.W.2d 586 (Ct. App. 1997). Frivolous actions hinder a court’s ability to function efficiently and to fairly administer justice to litigants who have not brought frivolous actions. See *Puchner v. Hepperla*, 2001 WI App 50, ¶7, 241 Wis. 2d 545, 625 N.W.2d 609. Courts have the inherent power and constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out their functioning, and to control their dockets with economy of time and effort. See *id.* A court faced with a litigant who brings frivolous litigation may limit access to the court, as otherwise such a litigant may be undeterred from bringing further frivolous litigation. *Id.*

¶6 The circuit court emphasized the “repeated and relentless” litigation Slocum brought in St. Croix County since 2005.⁴ The court found Slocum’s filings compromised the fair administration of justice, “compelling the courts to devote its resources to processing the repeated frivolous requests.” The court noted “[i]t would be a time consuming task to review all of Mr. Slocum’s litigation history over the past ten years,” but stated:

[R]eviewing a portion of Mr. Slocum’s history of litigation in 2013 and 2014 alone establishes this habitual filing. Mr. Slocum has repetitively re-litigated the same issues. In 2014, he filed 14CV238, 14CV239, and 14CV240, all of which asked for the same relief. This is further reflected through cases 13CV303, where the Circuit Court granted judgment in favor of the Town; 13CV668, in which the Circuit Court dismissed Mr. Slocum’s Complaint; 14CV239, where the Circuit Court granted summary judgment in favor of the Town and awarded frivolous costs; and, 14CV240, in which the Circuit Court again

⁴ In a recent decision, we noted fifteen prior St. Croix County lawsuits Slocum filed since 2007, all centering around the issue that his property taxes were too high. See *Slocum v. Star Prairie Township*, No. 2015AP1287, unpublished slip op. at 5 (WI App Mar. 8, 2016). We also noted that Slocum initiated appeals from many of the St. Croix County cases, many of which have resulted in a finding of frivolousness on appeal. *Id.*

granted summary judgment in favor of the Town and awarded frivolous costs. Although these samples are solely from 2013 and 2014, continuing to compile the lawsuits, appeals and reconsiderations upon the matters Mr. Slocum has brought to the courts would occupy an inordinate amount of time.

¶7 The circuit court further noted Slocum had been ordered to pay frivolous costs totaling \$22,688.10 in the last ten years, and “[i]t is clear these sanctions have not deterred Mr. Slocum from commencing additional frivolous litigation.”⁵ Moreover, the court cited the affidavit of the Town’s past insurance carrier stating the insurer refused to continue the Town’s coverage due to the extraordinary amount of litigation Slocum filed against the Town, resulting in the expenditure of additional resources.

¶8 No one has a constitutional right to file frivolous lawsuits, especially repeated frivolous lawsuits. Slocum demonstrated no intent to discontinue his pattern of behavior, and the circuit court properly exercised its discretion by limiting Slocum’s access to the circuit court. Further, the sanctions in this case were narrowly tailored to deter Slocum from pursuing frivolous litigation. The courts and the Town are entitled to protection from Slocum’s misuse of legal process, but Slocum is not left without a remedy by the circuit court order. If Slocum pays in full the sanctions issued by the circuit court against him, there will be a threshold review of his initial pleadings by the circuit court for arguable merit prior to their authentication by the clerk of the circuit court. The court’s order

⁵ Our decisions affirming the circuit court’s previous sanctions for Slocum’s frivolous filings are the law of the case. See *Univest Corp. v. General Split Corp.*, 148 Wis. 2d 29, 38, 435 N.W.2d 234 (1989). There is also no dispute that Slocum has failed to pay the circuit court sanctions.

strikes an appropriate balance between a litigant's access to the courts and the unwarranted abuse of the judicial process.

By the Court.—Judgment affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

